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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,306	06/05/2006	Martin Schymura	08146.0011U1	6442
23859 7590 07/31/2009 Ballard Spahr Andrews & Ingersoll, LLP SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915				
EXAMINER				
GWARTNEY, ELIZABETH A				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
07/31/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ATTACHMENT TO ADVISORY ACTION**

Applicants' amendment to the claims filed on 07/23/2009 has been fully considered but is denied entry for the following reasons:

The amendment raises new issues that would require further search given that such limitations were never previously presented in the claims.

Applicant argues that none of the cited prior art documents discloses that L-carnitine in pure crystalline form, having a degree of purity of 99% and not more than 1% of residual components or at least one mixture of substances containing L-carnitine which is present as  $C_{13}H_{12}NO_{10}$  and/or  $C_9H_{18}ClNO_4$  is added to a fruit gum composition.

Given modified Gordon et al. teach a sweetened gelled food comprising L-carnitine with the formula  $C_7H_{15}NO_3$  in pure crystalline form, having a degree of purity of 99% and not more than 1% of residual components and L-carnitine -L-tartrate, it is clear that the limitations of claims 18 and 20 have been met.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Gwartney whose telephone number is (571) 270-3874. The examiner can normally be reached on Monday - Friday; 7:30AM - 3:30PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./  
Examiner, Art Unit 1794

/KEITH D. HENDRICKS/  
Supervisory Patent Examiner, Art Unit 1794